

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. CR

Plaintiff,

**ORDER FOR CRIMINAL PRETRIAL  
PREPARATION**

v.

Defendant.

Good cause appearing, it is hereby ORDERED that:

A. **Trial Date.** Trial before the COURT or JURY trial? shall begin on Trial Date, at 8:30 a.m., in Courtroom No. 3 of the United States Courthouse, 1301 Clay Street, 3rd Floor, Oakland, California, 94612. The Court's trial hours are from 8:30 a.m. to 2:00 p.m., with two fifteen-minute breaks, on Monday, Wednesday, Thursday and Friday.

B. **Trial Length.** The estimated length of trial is Length of Trial - Days/Weeks.

C. **Discovery.** By the close of business, Date of Discovery Cutoff, the parties will exchange the information, documents, and tangible objects authorized by Fed. R. Crim. P. 16. Additional discovery shall be by motion accompanied by affidavits setting for the unusual circumstances justifying discovery beyond the limits of Fed. R. Crim. P. 16. COUNSEL SHALL MEET AND CONFER REGARDING ANY DISCOVERY MATTERS PRIOR TO FILING OF ANY DISCOVERY MOTIONS.

D. **Motions.** All motions will be heard on Tuesday, Date for Hearing Motions, at 9:00 a.m. in Courtroom No. 3, and shall comply with Local Rule 320-3. Motions, affidavits and memoranda shall be served, filed and an extra copy lodged with the Court by the moving party by 4:00 p.m. on Date for Filing Moving Papers. Any opposition shall be filed and an extra copy lodged with the Court by 12:00 noon on Date for Filing Opposition Papers.

1 E. **Pretrial Preparation.** The motions will comply with the following schedule for pretrial  
2 preparation.

3 All Counsel who will try the case shall appear for a pretrial conference in Courtroom 3 on  
4 Tuesday, Date of Pretrial Conference, at 9:00 a.m. Counsel for defendant(s) and for the government  
5 are directed to confer on all applicable pretrial agenda matters enumerated in Criminal Local Rule  
6 17.1-7 prior to the pretrial conference and be prepared to discuss them at that conference. The  
7 following pretrial preparation shall be accomplished by the counsel for the government no later than  
8 Deadline for Pretrial Preparations.

6 (1) Serve and file a trial memorandum briefly stating the legal basis for the charges  
7 and the anticipated evidence, and addressing any evidentiary or other anticipated legal  
8 issues;

8 (2) Serve and file a list of all witnesses which may be called together with a brief  
9 summary of the testimony of each;

10 (3) Serve and lodge requested jury instructions in the following form:

11 (a) the parties shall file a **joint** set of jury instructions as to those instructions  
12 on which the parties have reached agreement. As to any disputed instructions,  
13 each party shall separately submit its "proposed" instruction(s) supported by a  
14 memorandum setting forth the authority for its use. Responses or objections  
15 to any "proposed" jury instruction shall be filed no later than the date of the  
16 pretrial conference. All instructions shall be written in plain English which is  
17 comprehensible to jurors, concise and free of argument, and shall be organized  
18 in a logical fashion so as to aid jury comprehension, and are also to be  
19 provided on a 3.5" computer disk (formatted for Word Perfect 6.1). The  
20 Court's practice is to utilize, whenever possible, instructions found in the  
21 Ninth Circuit Manual of Model Jury Instructions;

17 (4) Serve and lodge proposed voir dire of the jury panel;

18 (5) Serve and lodge a proposed form of verdict:

19 (6) Serve copies of all exhibits to be offered at trial together with a completed list of  
20 exhibits (in the form attached). Each item shall be premarked using the form of  
21 marker attached; generally, the government will use numbers, defendant letters. The  
22 Court requires one original version of exhibits for the Clerk and two copies (one for  
23 the Bench and one for the witness stand). All such versions of the exhibits, including  
24 the originals, should be indexed into a binder for easy and quick reference by all  
25 parties. The first page of each binder should have a copy of the exhibit list  
26 appropriately completed with each exhibit description and its designated number or  
27 letter. Exhibits should be brought to Court on the first day of trial.

24 No later than Deadline for Defense Counsel to Comply, the defense counsel shall comply  
25 with paragraphs (3) and (4), above, and, to the extent consistent with the defendant's right to an  
26 effective defense, with paragraphs (1), (2) and (6).

26 In particular, counsel will be expected to confer in advance and be prepared to discuss with  
27 the court any anticipated evidentiary objections and means for shortening and simplifying the trial  
28 (e.g., by stipulations to such matters as chain of custody, the nature of substances, the use of the  
mail, etc.). See Crim. L.R. 17.1-1.

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F. **COPIES.** Each document filed or lodged with the court must be accompanied by a copy for use in the judge's chambers. In addition, one copy of the witness and exhibit lists should be provided to the court reporter.

G. **TRANSCRIPTS.** If transcripts will be requested during or immediately after the trial, arrangements must be made with the court reporter at least one week before trial commences.

H. **CHANGE OF PLEA.** Defense Counsel shall give prompt notice to the United States attorney and the Court of any intention to change a previously entered not guilty plea. Government Counsel shall provide the Court with a copy of the plea agreement on the Friday before the defendant is set to change his/her plea.

\*\*\***MOTIONS IN LIMINE AND/OR OBJECTIONS TO EVIDENCE DUE** Deadline for IN LIMINE Motions.

\*\*\***RESPONSES TO OBJECTIONS TO EVIDENCE AND/OR MOTIONS IN LIMINE DUE** Deadline for IN LIMINE Responses.

Dated:

SAUNDRA BROWN ARMSTRONG  
United States District Judge